

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File No.: EB-11-LA-0113
Spy Shop d/b/a)	
IQ Tronics, Inc.)	Citation No.: C201232900001
SpyShopOne.com)	
SpyGadgetsShop.com)	
)	
Sherman Oaks, CA)	

CITATION AND ORDER

ILLEGAL MARKETING OF SIGNAL JAMMING DEVICES

Adopted: July 17, 2012

Released: July 18, 2012

By the Acting District Director, Los Angeles Office, Western Region, Enforcement Bureau:

I. INTRODUCTION

1. This is an official **CITATION AND ORDER** (Citation) issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (Communications Act),¹ to Spy Shop d/b/a IQ Tronics, Inc., SpyShopOne.com, and SpyGadgetsShop.com (collectively, Spy Shop) for marketing to consumers in the United States² unauthorized radio frequency devices – specifically cell phone, and Global Positioning System (GPS) and other signal jamming devices (collectively, signal jamming devices) – in violation of Section 302(b) of the Act,³ and Sections 2.803 and 15.201(b) of the Commission's rules (Rules).⁴

2. Spy Shop should take immediate steps to come into compliance and to avoid any recurrence of this misconduct, including actions such as removing illegal signal jamming devices from displays and declining to sell signal jamming devices in the United States. Signal jamming devices pose significant risks to public safety and potentially compromise other radio communications services. As explained below and as provided in the Communications Act, future violations of the Rules in this regard may subject Spy Shop to substantial monetary penalties, seizure of equipment, and criminal sanctions. Pursuant to Sections 4(i), 4(j), and 403 of the Communications Act,⁵ we also direct Spy Shop to confirm

¹ 47 U.S.C. § 503(b)(5).

² In very limited circumstances and consistent with applicable procurement requirements, retailers may market these devices to the U.S. federal government for authorized, official use. See 47 U.S.C. § 302a(c); see also 47 C.F.R. § 2.807(d).

³ 47 U.S.C. § 302a(b).

⁴ 47 C.F.R. §§ 2.803, 15.201(b).

⁵ 47 U.S.C. §§ 154(i) - (j), 403.

within thirty (30) calendar days after the release date of this Citation that it has ceased to market signal jamming devices and to provide information concerning its signal jamming device suppliers, distribution channels, and sales.

II. BACKGROUND

3. Spy Shop claims that it is the “leading distributor of video surveillance, counter-surveillance and personal protection equipment,” noting that it “has a broad and diverse range of products from leading manufacturers.”⁶ On July 8, 2011, in response to a complaint, an agent from the Enforcement Bureau’s Los Angeles Office (Los Angeles Office) visited the Spy Shop retail store located at 4499 Van Nuys Boulevard, Sherman Oaks, California. The agent observed that Spy Shop had two jamming devices on display. The first was a handheld device approximately the size of a package of cigarettes, with three external antennas attached to it. The device had no model number but was listed as having multi-band (Cellular, Global System for Mobile Communications (GSM), Personal Communications Service (PCS) and Long Term Evolution (LTE)) jamming capability with an effective jamming radius of 20 meters. It was offered for sale at \$299.00. The other device on display was listed as a GPS jammer and was in the shape of a car cigarette lighter with an external antenna attached. It also had an effective jamming radius of 20 meters and was offered for sale at \$99.00. The agent also observed a Spy Shop salesman demonstrating the signal jammers to customers in the store.⁷ The Spy Shop salesman offered to sell the agent signal jamming devices and also informed the agent that other models of cell phone and GPS jammers were available from the retail store.

4. The Los Angeles Office agent later visited Spy Shop’s online store, www.SpyShopOne.com, and observed that Spy Shop has marketed via the Internet within the past several months cell and GPS jamming devices to consumers in the United States.⁸ Specifically, the agent observed Spy Shop marketing various models of signal jamming devices including the two described above – *i.e.*, a “GPS Jammer,”⁹ “Small GPS Jammer”¹⁰ and “IQP1020, Portable Cellular Phone Jammer.”¹¹ The devices marketed were small and portable, and were offered for sale for prices ranging from \$99.99 to \$279.99.

III. APPLICABLE LAW AND VIOLATIONS

5. Federal law prohibits the marketing and operation of signal jamming devices in the United States and its territories. Section 333 of the Communications Act states that “[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station

⁶ See <http://spyshopone.com/about-us-i-2.html> (last visited July 12, 2012) (listing location in Sherman Oaks, California).

⁷ We warn Spy Shop that it is a violation of federal law to use a cell or GPS jammer or any other type of device that blocks, jams or interferes with authorized communications, as well as to import, advertise, sell, or ship such a device. See 47 U.S.C. § 333 (prohibiting willful or malicious interference with the radio communications of any station licensed or authorized under the Communications Act or operated by the United States Government); 47 U.S.C. § 301 (requiring persons operating or using radio transmitters to be licensed or authorized under the Communications Act and the Commission’s rules).

⁸ See http://spyshopone.com/spy-gadgets-more-jammers-c-25_56.html (last visited July 12, 2012).

⁹ See <http://spyshopone.com/gps-jammer-p-297.html> (last visited July 12, 2012) (claiming that the main function of the device is as a “GPS Frequency Jammer” that works in the “1500-1600 MHz” band).

¹⁰ See <http://spyshopone.com/small-gps-jammer-p-431.html> (last visited July 12, 2012) (specifying the frequency as “GPS L1 System (1450-1600 MHz).

¹¹ See <http://spyshopone.com/iqp1020-p-550.html> (last visited July 12, 2012) (noting a “range up to 10 ft”).

licensed or authorized by or under this Act or operated by the United States Government.”¹² In addition, Section 302(b) of the Communications Act provides that “[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.”¹³

6. The applicable implementing regulations for Section 302(b) are set forth in Sections 2.803, 15.201 and 15.3(o) of the Rules.¹⁴ Section 2.803(a)(1) of the Rules provides that:

no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless ... [i]n the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.¹⁵

Additionally, Section 2.803(g) of the Rules provides in relevant part that:

[R]adio frequency devices that could not be authorized or legally operated under the current rules ... shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed absent a license issued under part 5 of this chapter or a special temporary authorization issued by the Commission.¹⁶

7. Pursuant to Section 15.201(b) of the Rules,¹⁷ intentional radiators¹⁸ like signal jamming devices cannot be marketed in the United States or its territories unless they have first been authorized in accordance with the Commission’s certification procedures. Section 2.803(e)(4) of the Rules defines “marketing” as the “sale or lease, or offering for sale or lease, including advertising for sale or lease, or importation, shipment or distribution for the purpose of selling or leasing or offering for sale or lease.”¹⁹

8. Signal jamming devices, however, cannot be certified or authorized because their primary purpose is to block or interfere with authorized radio communications. As noted above, use of such a device is clearly prohibited by Section 333 of the Communications Act.²⁰ Thus, signal jamming devices such as those offered by Spy Shop cannot comply with the FCC’s technical standards and therefore cannot be marketed lawfully in the United States.²¹

9. Spy Shop has illegally marketed and continues to market signal jammers to consumers in the U.S. and its territories. As detailed above, on July 8, 2011, a Spy Shop salesman offered for sale signal jamming devices to agents from the Los Angeles Office in its retail store located at 4499 Van Nuys

¹² 47 U.S.C. § 333.

¹³ 47 U.S.C. § 302a(b).

¹⁴ 47 C.F.R. §§ 2.803, 15.201, and 15.3(o).

¹⁵ 47 C.F.R. § 2.803(a)(1).

¹⁶ 47 C.F.R. § 2.803(g).

¹⁷ 47 C.F.R. § 15.201(b).

¹⁸ An “intentional radiator” is a “device that intentionally generates and emits radio frequency energy by radiation or induction.” 47 C.F.R. § 15.3(o).

¹⁹ 47 C.F.R. § 2.803(e)(4).

²⁰ 47 U.S.C. § 333.

²¹ See *supra* note 2.

Boulevard, Sherman Oaks, California. As recently as July 12, 2012, Spy Shop also has offered for sale signal jamming devices through its online store.²² In fact, the devices marketed were expressly identified as jammers,²³ and the product information and specifications variously touted the devices as “small,” “portable,” and “easy to conceal.”²⁴ SpyShopOne.com also includes “Jammers” as a quick link on its navigation menu—presumably to more prominently display those products and make them easier for consumers to locate. In addition, we observed no statements or notices on the website indicating that Spy Shop, a U.S.-based retailer, would refuse to sell its signal jamming devices to unauthorized purchasers in the United States or its territories or would decline to complete any sales transactions originating with such consumers. To the contrary, it is clear that these devices were offered for sale to consumers in the United States. Spy Shop offers its website customers ground shipping in the United States as well as free store pickup at its Sherman Oaks location during regular business hours.²⁵

10. Accordingly, we find that Spy Shop has violated Section 302(b) of the Communications Act and Sections 2.803 and 15.201(b) of the Rules by marketing in the United States radio frequency devices that are not eligible for certification. We therefore issue this Citation to Spy Shop for violating the Rules and the Communications Act as discussed above. Spy Shop should take immediate steps to ensure that it does not continue to market these signal jamming devices or other signal jamming devices. This may include actions such as removing illegal signal jamming devices from its online websites and other displays, voluntarily surrendering existing inventory, and declining to sell signal jamming devices to consumers in the United States.²⁶

IV. FUTURE COMPLIANCE

11. If, after receipt of this Citation, Spy Shop violates the Communications Act or the Rules by marketing unauthorized radio frequency devices within the United States or its territories or otherwise engaging in conduct of the type described herein, the Commission may impose monetary forfeitures of up to \$16,000 for each such violation or, in the case of a continuing violation, the Commission may impose monetary forfeitures of up to \$16,000 for each day of such continuing violation up to a maximum forfeiture of \$112,500 for any single act or failure to act.²⁷ For instance, the Commission could impose separate forfeitures for each signal jamming device sold and/or for each day on which a signal jamming device is advertised or otherwise offered for sale. In addition, violations of the Communications Act or the Rules also can result in seizure of equipment through *in rem* forfeiture actions,²⁸ as well as criminal sanctions, including imprisonment.²⁹

²² See *supra* para. 4 and accompanying notes.

²³ See *supra* note 7.

²⁴ See *supra* notes 8-10.

²⁵ See SpyShopOne.com Terms and conditions, noting that “Most orders are shipped via UPS Ground service,” available at <http://spyshopone.com/terms-and-conditions-i-1.html>. We note that UPS only offers “UPS Ground” service within the United States and its territories. See http://www.ups.com/content/us/en/shipping/time/service/ground.html?srch_pos=2&srch_phr=ups+ground (stating the service area as “all 50 states and Puerto Rico”).

²⁶ *Id.*

²⁷ See 47 U.S.C. §§ 401, 501, 503; 47 C.F.R. § 1.80(b)(4). These amounts are subject to further adjustment for inflation (see 47 C.F.R. § 1.80(b)(6)), and the forfeiture amount applicable to any violation will be determined based on the statutory amount designated at the time of the violation.

²⁸ See 47 U.S.C. § 510.

²⁹ See *id.* §§ 401, 501.

12. In addition to providing the required information described in paragraph 16 below, Spy Shop may respond to this Citation within thirty (30) calendar days after the release date of this Citation either through (1) a personal interview at the closest FCC office, or (2) a written statement. Any written statement should specify the actions taken by Spy Shop to ensure that it does not violate the Communications Act or the Commission's rules governing the marketing of signal jamming devices and other radio frequency devices in the future. Please reference file number EB-11-LA-0113 when corresponding with the Commission.

13. Under the Privacy Act of 1974, any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.³⁰ Any knowingly or willfully false statement, or concealment of any material fact, made in reply to this Citation is punishable by fine or imprisonment.³¹ Please also note that Section 1.17 of the Rules requires that you provide truthful and accurate statements to the Commission.³²

V. CONTACT INFORMATION

14. The closest FCC Office is the Los Angeles District Office in Cerritos, California. Spy Shop may contact Paul Oei by telephone, 562-860-7474, to schedule a personal interview, which must take place within thirty (30) calendar days after the release date of this Citation. Spy Shop also should send any written statement within thirty (30) calendar days after the release date of this Citation to:

Paul Oei
Federal Communications Commission
Los Angeles Office
18000 Studebaker Road, Suite 660
Cerritos, CA 90703
Re: EB-11-LA-0113

15. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least five (5) business days advance notice; last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:
202-418-0530 (voice), 202-418-0432 (tty);

For accessible format materials (braille, large print, electronic files, and audio format):
202-418-0531 (voice), 202-418-7365 (tty).

³⁰ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

³¹ See 18 U.S.C. § 1001 *et seq.*

³² 47 C.F.R. § 1.17 (“... no person subject to this rule shall: (1) In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; and (2) In any written statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.”).

VI. REQUEST FOR INFORMATION

16. Pursuant to Sections 4(i), 4(j), and 403 of the Communications Act,³³ Spy Shop is directed to provide the information requested in non-public Appendix A attached hereto within thirty (30) calendar days after the release date of this Citation. The request for information concerns Spy Shop's signal jamming suppliers and sales as well as the disposition of its signal jamming device inventory. A failure to respond, or an inadequate, incomplete, or misleading response, may subject Spy Shop to additional sanctions.³⁴

VII. ORDERING CLAUSES

17. **IT IS ORDERED** that pursuant to Sections 4(i), 4(j), and 403 of the Communications Act, Spy Shop must provide the information requested in paragraph 15 and non-public Appendix A to this Citation and Order. The response to the Request for Information must be provided in the manner indicated herein and must be received by the FCC within thirty (30) calendar days after the release date of this Citation and Order.

18. **IT IS FURTHER ORDERED** that a copy of this Citation and Order shall be sent both by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Spy Shop at 4499 Van Nuys Blvd., Sherman Oaks, California 91403.

FEDERAL COMMUNICATIONS COMMISSION

Paul Oei
Acting District Director
Los Angeles Office
Western Region
Enforcement Bureau

³³ 47 U.S.C. §§ 154(i), 154(j), 403.

³⁴ See, e.g., *SBC Communications, Inc., Apparent Liability for Forfeiture*, Forfeiture Order, 17 FCC Rcd 7589, 7599-7600, paras. 23-28 (2002) (\$100,000 forfeiture for egregious and intentional misconduct, i.e., refusing to attest to truthfulness and accuracy of responses to a Letter Inquiry (LOI)); *Connect Paging, Inc. d/b/a Get A Phone*, Forfeiture Order, 22 FCC Rcd 15146 (Enf. Bur. 2007) (\$4,000 forfeiture for failure to respond to an LOI); *BigZoo.Com Corporation*, Order of Forfeiture, 20 FCC Rcd 3954 (Enf. Bur. 2005) (\$20,000 forfeiture for failure to respond to a USF LOI); *Donald W. Kaminski, Jr.*, Forfeiture Order, 18 FCC Rcd 26065 (Enf. Bur. 2003) (\$4,000 forfeiture for failure to respond to an LOI); *World Communications Satellite Systems, Inc.*, Notice of Apparent Liability for Forfeiture, 18 FCC Rcd 18545 (Enf. Bur. 2003) (\$10,000 forfeiture for a non-responsive reply to an LOI); *Digital Antenna, Inc., Sunrise, Florida*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 7600 (Spectrum Enf. Div., Enf. Bur. 2007) (\$11,000 forfeiture for failure to provide complete responses to an LOI).